

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 4TH DAY OF MARCH 2015/13TH PHALGUNA, 1936

CrI.MC.No. 1317 of 2015 ()

**IN CC 917/2012 of J.M.F.CI,KASARAGOD
CRIME NO. 3/2010 OF KASARAGOD POLICE STATION , KASARAGOD**

PETITIONER(S)/ACCUSED:

**MUHAMMED RAFEEQ AGED 35 YEARS
S/O.ABDUL KHADER, KINATTUKARA HOUSE, NEAR BADAR NAGAR
KUDLU VILLAGE AND POST, KASARAGOD.**

BY ADV. SRI.S.JIJI

RESPONDENT(S)/DE-FACTO COMPLAINANT AND STATE:

**1. KRISHNA HOLLA, AGED 62 YEARS
S/O.LATE GOPALAKRISHNA HOLLA, NEERALA HOUSE
SHIRIBAGILU, KUDLU VILLAGE, KASARAGOD PIN - 671 125.**

**2. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAMPIN - 682 031.**

**R1 BY ADV. SMT.K.S.SANTHI
R2 BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE. P.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 04-03-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 1317 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE-A1: CERTIFIED COPY OF FINAL REPORT IN CR.3/2010 OF KASARAGOD
POLICE STATION.**

ANNEXURE-A2: AFFIDAVIT DATED 16.1.2015 SWORN BY THE IST RESPONDENT.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

Crl. M.C No.1317 of 2015

Dated this the 4th day of March, 2015.

O R D E R

The petitioner herein is the sole accused in C.C No.917 of 2012 of the Judicial First Class Magistrate Court-I, Kasaragod. He seeks orders quashing the prosecution on the ground of amicable settlement of the whole dispute between him and the de facto complainant. Crime in this case was registered under Sections 324, 427 r/w 34 of IPC on the complaint of one Krishna Holla who is the first respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. He has filed affidavit to the effect that he has settled the whole dispute with the accused, and he has no grievance or complaint now. In so many decisions, the Hon'ble Supreme Court has held that even in cases involving non-compoundable offences, the High Court can quash the prosecution in pending proceedings, if the parties have really settled the whole dispute amicably out of court, and continuance of the proceedings will not serve any

purpose in such a circumstance of amicable settlement. Here, I find a real and genuine case of settlement between the parties. This is not a case involving any public interest or public issue. The parties have come to terms amicably on the intervention of persons acceptable to both sides, and I am satisfied that the parties are now on quite cordial terms. In such a situation, continuance of the prosecution will not serve any purpose, other than wasting the precious time of the court. No doubt, nobody will support the prosecution in such a situation, if the case goes to trial.

In the result, this petition is allowed. The prosecution against the petitioner herein in C.C No.917 of 2012 of the Judicial First Class Magistrate Court-I, Kasaragod will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioner will stand released from prosecution and the bail bond, if any, executed by him will stand discharged.

P.UBAID,
JUDGE